

By: Raymond

H.B. No. 3399

Substitute the following for H.B. No. 3399:

By: Naishtat

C.S.H.B. No. 3399

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the stability of placements for children in the
3 conservatorship of the Department of Family and Protective
4 Services.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. The heading to Chapter 263, Family Code, is
7 amended to read as follows:

8 CHAPTER 263. REVIEW OF PLACEMENT OF CHILDREN UNDER CARE OF
9 DEPARTMENT OF FAMILY AND PROTECTIVE [~~AND REGULATORY~~] SERVICES

10 SECTION 2. Chapter 263, Family Code, is amended by adding
11 Subchapter D-1 to read as follows:

12 SUBCHAPTER D-1. PLACEMENT STABILITY

13 Sec. 263.351. NOTICE OF PLACEMENT CHANGE. A substitute
14 care provider with whom the department contracts to provide
15 substitute care services for a child shall notify the department if
16 the child has a placement change. The notice must:

17 (1) be sent at the earliest time the provider is
18 otherwise required to provide notice of a change of the child's
19 placement;

20 (2) state the reason for the placement change; and

21 (3) include the provider's recommendation regarding a
22 future placement for the child that would increase the child's
23 opportunity to attain stability.

24 Sec. 263.352. PLACEMENT TRACKING SYSTEM. (a) The

1 department shall identify each child for whom the department has
2 been appointed temporary or permanent managing conservator who has
3 had two or more placements during the preceding 12 months. For each
4 child identified under this subsection, the department shall
5 collect the following information:

6 (1) the number of placement changes for the child;

7 (2) whether a placement change occurred for any of the
8 following reasons:

9 (A) the child ran away;

10 (B) the caregiver or child-placing agency
11 responsible for placing the child requested the change;

12 (C) the child was hospitalized for medical or
13 mental health reasons; or

14 (D) the child refused to remain in the placement;

15 and

16 (3) if a placement change occurred due to a reason
17 listed under Subdivision (2):

18 (A) the child's name;

19 (B) the child's age;

20 (C) the address of the child's current placement;

21 (D) the court in which the suit affecting the
22 parent-child relationship involving the child is pending;

23 (E) the county and department region in which the
24 court is located;

25 (F) the reason for each placement change;

26 (G) the child-placing agency responsible for
27 placing the child; and

1 (H) the level of care the child was determined to
2 require.

3 (b) At least once each month, the department shall prepare a
4 report from the information collected under Subsection (a) and
5 provide the report to the commissioner of the department and the
6 assistant commissioner for child protective services.

7 (c) The department shall include the aggregated data
8 compiled under Subsection (b) in the department's annual data
9 report.

10 SECTION 3. Section 263.502(c), Family Code, is amended to
11 read as follows:

12 (c) The placement review report must identify the
13 department's permanency goal for the child and must:

14 (1) evaluate whether the child's current placement is
15 appropriate for meeting the child's needs;

16 (2) evaluate whether efforts have been made to ensure
17 placement of the child in the least restrictive environment
18 consistent with the best interest and special needs of the child if
19 the child is placed in institutional care;

20 (3) contain a transition plan for a child who is at
21 least 16 years of age that identifies the services and specific
22 tasks that are needed to assist the child in making the transition
23 from substitute care to adult living and describes the services
24 that are being provided through the Transitional Living Services
25 Program operated by the department;

26 (4) evaluate whether the child's current educational
27 placement is appropriate for meeting the child's academic needs;

1 (5) identify other plans or services that are needed
2 to meet the child's special needs or circumstances;

3 (6) describe the efforts of the department or
4 authorized agency to place the child for adoption if parental
5 rights to the child have been terminated and the child is eligible
6 for adoption, including efforts to provide adoption promotion and
7 support services as defined by 42 U.S.C. Section 629a and other
8 efforts consistent with the federal Adoption and Safe Families Act
9 of 1997 (Pub. L. No. 105-89);

10 (7) for a child for whom the department has been named
11 managing conservator in a final order that does not include
12 termination of parental rights, describe the efforts of the
13 department to find a permanent placement for the child, including
14 efforts to:

15 (A) work with the caregiver with whom the child
16 is placed to determine whether that caregiver is willing to become a
17 permanent placement for the child;

18 (B) locate a relative or other suitable
19 individual to serve as permanent managing conservator of the child;
20 and

21 (C) evaluate any change in a parent's
22 circumstances to determine whether:

23 (i) the child can be returned to the parent;

24 or

25 (ii) parental rights should be terminated;

26 [~~and~~]

27 (8) with respect to a child committed to the Texas

1 Juvenile Justice Department [~~Youth Commission~~] or released under
2 supervision by the Texas Juvenile Justice Department [~~Youth~~
3 ~~Commission~~]:

4 (A) evaluate whether the child's needs for
5 treatment and education are being met;

6 (B) describe, using information provided by the
7 Texas Juvenile Justice Department [~~Youth Commission~~], the child's
8 progress in any rehabilitation program administered by the Texas
9 Juvenile Justice Department [~~Youth Commission~~]; and

10 (C) recommend other plans or services to meet the
11 child's needs; and

12 (9) identify the department's concerns, if any,
13 related to the stability of the child's placement and barriers to
14 sustaining the child's placement, including any reason for which a
15 substitute care provider has requested a placement change.

16 SECTION 4. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2013.